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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,979	07/22/2003	Richard H. Heimbrock	7175-70579	6614
23643	7590	03/03/2005	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			SANTOS, ROBERT G	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,979

Applicant(s)

HEIMBROCK ET AL.

Examiner

Robert G. Santos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/22/03, 9/15/03, 8/26/04 & on 11/22/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9,24-26 and 37-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,9,24-26 and 37-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0915-2003 and 0826-2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 49 is objected to because of the following informalities: In the first line of claim 49, the term "he" should be changed to --the--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 37 and 47-51 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,356,578 to Clark. As concerns claims 37, 47 and 49-51, Clark '578 shows the claimed limitations of a patient support apparatus (10) comprising a frame having a first receptacle (56, 57) extending generally parallel to a longitudinal axis of the frame (as shown in Figure 5), a deck (plates 59, 60) having a second receptacle (61, 62) extending generally perpendicular to a longitudinal axis of the frame and coupled to an outside surface of the deck (as shown in Figures 5 & 7), and a removable calf support (65) having a mounting shaft (64) configured to be located in the first receptacle to store the removable calf support beneath the deck, the mounting shaft being configured to be located in the second receptacle to support a patient's leg above the deck, wherein the mounting shaft has a gripping portion (any portion of element 64 which may be grasped) (see also column 3, lines 63-66 and column 5, lines 1-8). With regards to claim 48, the

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reference is considered to show a condition wherein the frame includes first and second longitudinally-extending channels (20) which are spaced apart, and the first receptacle (56, 57) is positioned laterally inwardly of one of the first and second channels in Figures 4 & 5; column 2, lines 61-62; and in column 3, lines 48-58.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 9, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,894,876 to Fenwick in view of U.S. Pat. No. 4,356,578 to Clark. Fenwick '876 shows all of the limitations as recited in independent claims 8 & 24 (see Figures 1-5, 8, 11, & 12; column 3, lines 11-68; column 4, lines 1-5; and column 5, lines 40-43) except for the use of a removable calf support having a mounting portion configured to be located in the first receptacle in the frame and configured to extend in a direction generally parallel to the longitudinal axis of the frame to store the removable calf support beneath the deck, the mounting portion being configured to be located in the second receptacle in the deck and configured to extend in a direction generally perpendicular to the longitudinal axis of the frame to support a patient's leg above the deck. Clark '578 provides the basic teaching of a patient support apparatus (10) including a removable calf support (65) having a mounting portion (64) configured to be located in a first receptacle in a frame (56, 57) and configured to extend in a direction generally parallel

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to the longitudinal axis of the frame to store the removable calf support beneath a deck (plates 59, 60), the mounting portion being configured to be located in the second receptacle (61, 62) in the deck and configured to extend in a direction generally perpendicular to the longitudinal axis of the frame to support a patient's leg above the deck (see Figures 5 & 7; column 3, lines 63-66; and column 5, lines 1-8). The skilled artisan would have found it obvious at the time the invention was made to provide the patient support apparatus of Fenwick '876 with a removable calf support having a mounting portion configured to be located in the first receptacle in the frame and configured to extend in a direction generally parallel to the longitudinal axis of the frame to store the removable calf support beneath the deck, the mounting portion being configured to be located in the second receptacle in the deck and configured to extend in a direction generally perpendicular to the longitudinal axis of the frame to support a patient's leg above the deck in order to provide an additional means for supporting a patient situated in a birthing position, thereby aiding in providing enhanced user comfort.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenwick '876 in view of Clark '578, and further in view of U.S. Pat. No. 2,257,491 to Armstrong. Fenwick '876, as modified by Clark '578, does not specifically disclose a condition wherein the calf support includes a calf support surface coupled to the mounting portion by an adjustable linkage. Armstrong '491 provides the basic teaching of a patient support apparatus including a calf support having a vertically adjustable standard (72) with an adjustable leg saddle (73) on an upper end thereof (see Figures 1 & 2 and column 5, lines 22-26). The skilled artisan would have found it obvious at the time the invention was made to provide the patient support apparatus of

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Fenwick '876, as modified by Clark '578, with a calf support including a calf support surface coupled to the mounting portion by an adjustable linkage in order to provide specialized support for a user positioned thereon, thereby aiding in providing enhanced user comfort.

7. Claims 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark '578 in view of Armstrong '491. Clark '578 is considered to show all of the claimed limitations as recited in claims 38-41 except for the use of an adjustable linkage coupled to the calf support tray (65) and coupled to the mounting shaft (64), wherein the adjustable linkage includes a lockable joint. Armstrong '491 provides the basic teaching of a patient support apparatus including a calf support having a vertically adjustable standard (72) with an adjustable leg saddle (73) on an upper end thereof (see Figures 1 & 2 and column 5, lines 22-26). The skilled artisan would have found it obvious at the time the invention was made to provide the patient support apparatus of Clark '578 with an adjustable linkage coupled to the calf support tray and coupled to the mounting shaft, wherein the adjustable linkage includes a lockable joint in order to provide specialized support for a user positioned thereon, thereby aiding in providing enhanced user comfort.

8. Claims 38-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark '578 in view of U.S. Pat. No. 5,157,800 to Borders. Clark '578 is considered to show all of the claimed limitations as recited in claims 38-46 except for the use of an adjustable linkage comprising a lockable joint which includes a ball coupled to the calf support tray (65), a socket coupled to the mounting shaft (64), and an offset arm extending outwardly from the mounting

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shaft and coupled to the socket, wherein the mounting shaft is rotatable about a central axis of the second receptacle (61, 62) when received therein. Borders '800 provides the basic teaching of a patient support apparatus (10) including a calf support (29) having an adjustable linkage comprising a lockable joint which includes a ball (150) coupled to a calf support tray (43), a socket (130) coupled to a mounting shaft (145), and an offset arm (151) extending outwardly from the mounting shaft and coupled to the socket (as shown in Figure 11), wherein the mounting shaft is rotatable about a central axis of a receptacle (37) formed in the deck (30) of the patient support apparatus when received therein (see Figures 2A, 2B & 10-12; column 3, lines 47-64; and column 5, lines 36-60). The skilled artisan would have found it obvious at the time the invention was made to provide the patient support apparatus of Clark '578 with an adjustable linkage comprising a lockable joint which includes a ball coupled to the calf support tray, a socket coupled to the mounting shaft, and an offset arm extending outwardly from the mounting shaft and coupled to the socket, wherein the mounting shaft is rotatable about a central axis of the second receptacle when received therein in order to provide a specialized support for a user positioned thereon, thereby aiding in providing enhanced user comfort.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ruehl et al. '153, Ruehl et al. '145, Stryker et al. '142, Heimbrock et al. '094, Goodwin et al. '092, Stryker et al. '705, Newkirk et al. '983, Goodwin et al. '924, Ruehl et al. '672, Stryker et al. '479, Foster et al. '474, Weismiller '798, Foster et al. '548, Weismiller '350,

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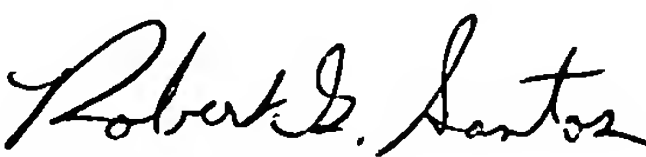
Ruehl et al. '974, Heimbrock et al. '882, Ruehl et al. '917, Morton et al. '878, Morton et al. '549 and Strutton '127.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469.

The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
February 28, 2005